

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a  
Delaware corporation,

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR  
INTERNATIONAL, INC., a Delaware  
corporation, and FAIRCHILD  
SEMICONDUCTOR CORPORATION, a  
Delaware corporation,

Defendants.

C.A. No. 04-1371-JJF

**NOTICE OF DEPOSITION & SERVICE OF SUBPOENA**  
**TO MICHAEL C. KEELEY, PH.D.**

TO: **VIA HAND DELIVERY**  
Steven J. Balick, Esq.  
John G. Day, Esquire  
Ashby & Geddes  
222 Delaware Avenue, 17th Floor  
P. O. Box 1150  
Wilmington, DE 19899

**VIA EMAIL**  
G. Hopkins Guy, III  
Bas de Blank  
Duo Chen  
Orrick, Herrington & Sutcliffe, LLP  
1000 Marsh Road  
Menlo Park, CA 94025

**PLEASE TAKE NOTICE** that on the 9th day of March, Plaintiff Power Integrations, Inc. service of the attached subpoena upon **Michael C. Keeley, Ph.D.**, c/o Bas de Blank, Orrick, Herrington & Sutcliffe, LLP, 1000 Marsh Road, Menlo Park, CA 94025.

**PLEASE TAKE FURTHER NOTICE** that Plaintiff Power Integrations, Inc., by its counsel, will take the deposition of **Michael C. Keeley, Ph.D.**, on Thursday, March 30, 2006, at 9:30 a.m., at the offices of Fish & Richardson P.C., located at 500 Arguello Street, Suite 500, Redwood City, CA 94063, or at another time and place to be set by agreement.

The deposition of **Michael C. Keeley, Ph.D.** will be taken before a notary public or other officer authorized by law to administer oaths. All of the deposition testimony will be recorded by stenographic, audio, and/or audiovisual means.

Dated: March 14, 2006

FISH & RICHARDSON P.C.

By: /s/ Sean P. Hayes

William J. Marsden, Jr. (marsden@fr.com)

Sean P. Hayes (hayes@fr.com)

919 N. Market Street, Suite 1100

P.O. Box 1114

Wilmington, DE 19899-1114

Telephone: (302) 652-5070

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Howard G. Pollack

Gina M. Steele

Michael R. Headley

500 Arguello Street, Suite 500

Redwood City, California 94063

Telephone: (650) 839-5070

Facsimile: (650) 839-5071

Attorneys for Plaintiff  
POWER INTEGRATIONS, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of March, 2006, a true and correct copy of the attached **NOTICE OF DEPOSITION & SERVICE OF SUBPOENA TO MICHAEL C. KEELEY** was caused to be served on the attorneys of record at the following addresses as indicated:

**VIA HAND DELIVERY**

Steven J. Balick, Esq.  
John G. Day, Esquire  
Ashby & Geddes  
222 Delaware Avenue, 17th Floor  
P. O. Box 1150  
Wilmington, DE 19899

Attorneys for Defendant-  
Counterclaimant  
FAIRCHILD SEMICONDUCTOR  
INTERNATIONAL, INC. and  
FAIRCHILD SEMICONDUCTOR  
CORPORATION

**VIA U.S. MAIL**

G. Hopkins Guy, III  
Bas de Blank  
Orrick, Herrington & Sutcliffe, LLP  
1000 Marsh Road  
Menlo Park, CA 94025

Attorneys for Defendants  
FAIRCHILD SEMICONDUCTOR  
INTERNATIONAL, INC. and  
FAIRCHILD SEMICONDUCTOR  
CORPORATION

/s/ Sean P. Hayes  
Sean P. Hayes (#4413)

Issued by the  
**UNITED STATES DISTRICT COURT**

NORTHERN

DISTRICT OF

CALIFORNIA

POWER INTEGRATIONS, INC., a  
Delaware corporation,

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR  
INTERNATIONAL, INC., a Delaware  
corporation, and FAIRCHILD  
SEMICONDUCTOR CORPORATION, a  
Delaware corporation,

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: <sup>1</sup> C.A. No. 04-1371 JJF  
Case Pending in the District of Delaware

Defendants.

TO: Michael C. Keeley, Ph.D., 2290 Stockbridge Avenue, Woodside, CA 94062 Tel: (650) 368-7944

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

FISH & RICHARDSON P.C., 500 Arguello St., Ste. 500, Redwood City, CA 94063

DATE AND TIME

March 30, 2006

9:30 a.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date and time specified below (list documents or objects):  
Please see Attachment A hereto.

PLACE

FISH & RICHARDSON P.C., 500 Arguello St., Ste. 500, Redwood City, CA 94063

DATE AND TIME

March 22, 2006

10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.


PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

  
Attorney for Plaintiff POWER INTEGRATIONS, INC.

March 9, 2006

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Headley, (SBN #220834) FISH & RICHARDSON P.C., 500 Arguello St., Ste. 500, Redwood City, CA 94063  
Tel: (650) 839-5070 Fax: (650) 839-5071

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(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on the next page)



**PROOF OF SERVICE**

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fees.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;  
(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or  
(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or  
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**ATTACHMENT A**  
**TO MICHAEL C. KEELEY, PH.D. SUBPOENA**

**DEFINITIONS**

1. "Keeley," "you," or "your" means Michael C. Keeley, Ph.D.
2. "Power Integrations" means Power Integrations, Inc., including without limitation all of its corporate locations, and all predecessors, successors, subsidiaries, parents, assigns and affiliates as well as all past or present directors, officers, agents, representatives, employees, consultants, attorneys, and entities acting in joint venture or partnership with Power Integrations.
3. "Fairchild" means Delaware corporations Fairchild Semiconductor Corporation and Fairchild Semiconductor International, Inc., and their wholly-owned subsidiary and Korean corporation Fairchild Semiconductor Korea, including without limitation all of their corporate locations, and all predecessors, successors, assigns and affiliates, and all past or present directors, officers, agents, representatives, employees, consultants, and attorneys.
4. "Document" incorporates the full meaning of Federal Rule of Civil Procedure 34, and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), all non-identical copies of a document, all drafts of final documents, all other written, printed, or recorded matter of any kind, and all other data compilations from which information can be obtained and translated if necessary, that are or have been in your actual or constructive custody, possession, or control, regardless of the medium on which they are produced, reproduced, or stored (including without limitation computer programs and files containing any requested information), and any recording or writing, as these terms are defined in Rule 1001, Federal Rules of Evidence, as well as any electronic documents including electronic mail, voice mail, and text messaging. Any document bearing marks, including without limitation, initials, stamped initials, comments, or notations not a part of the original text or photographic reproduction thereof, is a separate document. Any translation of a document is a separate document.
5. "Refer to," "Referring to," "Relate to," and "Relating to" mean concerning, constituting, pertaining to, mentioning, commenting on, connected with, discussing, describing, identifying, analyzing, explaining, showing, reflecting, dealing with, comprising, consisting of, containing, resulting from, or regarding a particular subject in whole or in part, either directly or indirectly.



**DOCUMENTS REQUESTED**

1. All documents that refer or relate to Power Integrations, Power Integrations' patents, Power Integrations' products, Fairchild, Fairchild's products, or this litigation.
2. All notes that refer or relate to Power Integrations, Power Integrations' patents, Power Integrations' products, Fairchild, Fairchild's products, or this litigation.
3. All documents that refer or relate to communications between you and Fairchild, including but not limited to communications with Fairchild's attorneys and any e-mail communications.
4. All documents Fairchild or its attorneys have provided to you.
5. All documents you have provided to Fairchild or its attorneys.
6. All documents considered in preparation of your expert reports and declarations in this matter.
7. Invoices or records that refer or relate to your work for Fairchild in this matter, including but not limited to invoices submitted to Fairchild and documents that refer or relate to payments by Fairchild to you.

50333949.doc



**Kim Kilby**

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**From:** Michael Headley  
**Sent:** Thursday, March 09, 2006 8:15 PM  
**To:** de Blank, Bas  
**Subject:** Re: PI-Fairchild: Subpoena to Michael C. Keeley, Ph.D.  
**Attachments:** 2006-03-09 Subpoena to Michael C. Keeley.pdf

Bas,

Per the parties' agreement to accept service of expert subpoenas, attached please find a copy of Power Integrations' subpoena to Mike Keeley.

Thanks.

Michael R. Headley  
Fish & Richardson P.C.  
500 Arguello St., Suite 500  
Redwood City, CA 94063-1526  
(650) 839-5139 (direct)  
(650) 839-5071 (fax)

This e-mail may contain confidential and privileged information. If you received it in error, please contact the sender and delete all copies.



2006-03-09  
ubpoena to Michael.